



PTO/SB/26 (04-07)

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TERMINAL DISCLAIMER TO OBVIAE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT	Docket Number (Optional) 33396-198024
<p>In re Application of: Amar Lulla et al.</p> <p>Application No.: 10/686,517-Conf. #4905</p> <p>Filed: October 16, 2003</p> <p>For: TOPICAL SPRAY COMPOSITION</p> <p>The owner, <u>U&amp;I Pharmaceuticals Ltd.</u>, of <u>100</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent No. <u>6,962,691</u> as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:</p> <ul style="list-style-type: none"> <li>- expires for failure to pay a maintenance fee;</li> <li>- is held unenforceable;</li> <li>- is found invalid by a court of competent jurisdiction;</li> <li>- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;</li> <li>- has all claims canceled by a reexamination certificate;</li> <li>- is reissued; or</li> <li>- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</li> </ul> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input checked="" type="checkbox"/> For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that those statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input type="checkbox"/> The undersigned is an attorney or agent of record. Reg. No. _____</p> <p> Signature</p> <p>Laura Candel Typed or printed name</p> <p>6/15/07 Date</p> <p><u>718-357-5730</u> Telephone Number</p> <p><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) is included.</p> <p>*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.</p> <p>07/03/2007 SZEWDIE1 00000138 220261 10686517 01 FC:1814 130.00 DA</p>	



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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: U &amp; I Pharmaceuticals Ltd.

Application No./Patent No.: 10/686517 Filed/Issue Date: October 16, 2003

Entitled: TOPICAL SPRAY COMPOSITION

U & I Pharmaceuticals Ltd.  Corporation  
(Name of Assignee)  (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest; or  
2.  an assignee of less than the entire right, title and interest.

(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)  
in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 010864 Frame 0978, or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: To:  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: To:  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: To:  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.  
[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature

6/15/07  
Date

Laura Candela  
Printed or Typed Name

718 357-5730

Telephone Number

President, Proprietor  
Title